

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHELLE WOOD, et al.,

Plaintiffs,

v.

Case No. 20-10994
Honorable Victoria A. Roberts

MICHIGAN DEPARTMENT OF
CORRECTIONS,

Defendant.

_____/

ORDER GRANTING: (1) MDOC’s PARTIAL MOTION TO DISMISS FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES [ECF No. 4]; (2) PLAINTIFFS’ MOTION TO COMPEL DISCOVERY [ECF No. 11]; and (3) MDOC’s MOTION TO COMPEL DISCOVERY RESPONSES [ECF No. 15]; and (4) MOOTING IN PART AND GRANTING IN PART PLAINTIFFS’ MOTION FOR IMMEDIATE CONSIDERATION OF DISCOVERY MOTION ECF DKT No. 11 AND TO RESET SCHEDULING ORDER DATES [ECF No. 18]

This is a civil rights case. Michelle Wood (“Wood”), a former Michigan Department of Corrections (“MDOC”) employee, alleges that the MDOC discriminated against her based on gender, sex, and sexual orientation, and denied her promotions for those same reasons. Wood also alleges that she was demoted because of her disparate treatment complaints. Wood’s partner, Loretta Smith, also an MDOC employee, alleges she faced retaliation because of Wood’s complaints. Wood and Smith (the “Plaintiffs”)

say they suffered injuries, including, among other things, stress, humiliation, and mental and emotional distress.

Before the Court are: (1) MDOC's partial motion to dismiss for failure to exhaust administrative remedies [ECF No. 4]; (2) Plaintiffs' motion to compel discovery [ECF No. 11]; (3) MDOC's motion to compel discovery responses [ECF No. 15]; and (4) Plaintiffs' motion for immediate consideration of discovery motion ECF DKT No. 11 and to reset scheduling order dates.

Plaintiffs assert the following claims:

- Count I Violation of Michigan Elliot-Larsen Civil Rights Act: Disparate Treatment as to Plaintiffs Wood and Smith;
- Count II Violation of Michigan Elliot-Larsen Civil Rights Act: Hostile Work Environment as to Plaintiffs Wood and Smith;
- Count III Violation of Michigan Elliot-Larsen Civil Rights Act: Retaliation as to Plaintiffs Wood and Smith;
- Count IV Violation of Title VII of the Civil Rights Act of 1964 – 42 U.S.C. § 2000e-2: Hostile Work Environment as to Plaintiff Wood;
- Count V Violation of Title VII of the Civil Rights Act of 1964 – 42 U.S.C. § 2000e-2: Disparate Treatment as to Plaintiff Wood; and
- Count VI Violation of Title VII of the Civil Rights Act of 1964 – 42 U.S.C. § 2000e-2: Retaliation as to Plaintiff Wood.

The Court held a hearing on the motions on December 16, 2020. Jonathan Marko appeared for Plaintiffs; Bryan Beach appeared for the MDOC.

For the reasons stated on the record, the following is ordered:

1. Defendant's Partial Motion to Dismiss for Failure to Exhaust Administrative Remedies [ECF No. 4]

The Court **GRANTS** MDOC's motion to dismiss Count IV.

2. Plaintiffs' Motion to Compel Discovery [ECF No. 11]

This motion is **GRANTED**, except that, if a complete response is provided to Request to Produce # 19, the responses already provided to Request to Produce # 16 and # 18 are deemed sufficient.

Request to Produce # 19 is limited to the email accounts for eight custodians: Plaintiffs; Frank Bernstein; Mark McDonald; Ora Carter; Heidi Washington; Scott Schooley; and Steven Marschke. MDOC need only produce emails for the last five years. The parties must work together to refine the search terms.

MDOC's answer to Interrogatory # 2 is sufficient. MDOC will supplement its answer to Interrogatory # 4.

Defendant must comply with this discovery request by February 4, 2021.

3. Defendant's Motion to Compel Discovery Responses [ECF No. 15]

This motion is **GRANTED**. Plaintiffs must answer Interrogatory # 10. Plaintiffs must sort the documents and produce them to correspond with individual requests. Plaintiffs must also Bates stamp them.

Plaintiff must comply with this discovery request by February 4, 2021.

4. Plaintiffs' Motion for Immediate Consideration of Discovery Motion ECF DKT No. 11 and to Reset Scheduling Order Dates

The request for immediate consideration is **MOOT**. The Court **GRANTS** the request to reset scheduling order dates and will do so in a separate order.

Counts I – III, V, and VI will proceed to trial. The Court will hold a status conference in this case on February 16, 2021 at 11:30 am. The January 26, 2021 settlement conference is cancelled.

IT IS ORDERED.

S/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: December 30, 2020